

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:
JOSE SALAS JR & DALIA L SALAS
DEBTORS

CHAPTER 13 PROCEEDING:
14-70198-M-13

TRUSTEE'S MOTION TO DISMISS WITH PREJUDICE

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

IF A PARTY REQUESTS AND EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THIS MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY-ONE DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

IF A RESPONSE IS FILED BY DEBTOR OR ANY PARTIES IN INTEREST, A HEARING WILL BE SET ON THIS MOTION FOR **9:00 AM ON Thu, Oct 23, 2014**. BEFORE THE U.S. BANKRUPTCY JUDGE AT THE UNITED STATES BANKRUPTCY COURT LOCATED AT:

US Federal Courthouse, 1701 W. Business Highway 83, Bentsen Tower, 8th floor, McAllen, TX 78501

THIS CASE WILL BE DISMISSED TWENTY-ONE (21) DAYS AFTER THIS MOTION IS FILED - WITHOUT NOTICE AND HEARING - UNLESS PRIOR TO THE ENTRY OF THE DISMISSAL ORDER, THE DEBTOR FILED A RESPONSE TO THIS MOTION WITH THE U.S. BANKRUPTCY CLERK'S OFFICE LOCATED AT:

US Federal Courthouse, 1701 W. Business Highway 83, Bentsen Tower, 8th floor, McAllen, TX 78501

- A. REQUESTING A HEARING AND
- B. STATING THE SPECIFIC REASON WHEREIN THE TRUSTEE IS IN ERROR; OR
- C. (1) CERTIFYING THAT THE DEBTORS have BROUGHT ALL PAYMENTS CURRENT PRIOR TO FILING THE RESPONSE; OR
- (2) CERTIFYING THAT THE DEBTORS have FILED A MOTION TO MODIFY THE PLAN PRIOR TO (OR CONTEMPORANEOUS WITH) THE FILING OF THE RESPONSE.

COMES NOW Cindy Boudloche, Trustee, and moves the Court for an Order dismissing the Debtors' case with prejudice as follows:

1. Debtors are more than fifteen (15) days delinquent on Chapter 13 plan payments . At the time this motion was filed, Debtors were \$17,372.16 in arrears under the proposed plan.
2. Debtors have exhibited bad faith by filing 4 petitions in bankruptcy since 11/1/2000 with the last case being dismissed on 9/9/2013 for failure to make required payments under the plan and/or failure to comply with the requirements of the Trustee's office and the bankruptcy code.
3. Debtors have caused unreasonable delay that is prejudicial to creditors (11 U.S.C. Sec 1307 (c)(1)) and specifically, Debtors have failed to:
 - a) Timely file necessary amendments to his/her Chapter 13 Plan and/or schedules;

WHEREFORE, the Trustee prays the Court to DISMISS this case WITH PREJUDICE, barring the Debtors from filing another bankruptcy case for 180 days from the date of this order, and further order that all funds paid to the Trustee on behalf of the Debtors hererin be paid to creditors in accordance with the Debtors' Chapter 13 Plan or schedules per the Trustee's normal disbursement procedures.

Dated: Thu, Sep 18, 2014

Respectfully Submitted:

/s/ Cindy Boudloche

CINDY BOUDLOCHE, Trustee
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